

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Daniel G. Rogers**  
Debtor(s)

Bankruptcy Case No.: 19-10781-TPA  
Per September 24, 2019 Proceeding  
Chapter: 13  
Docket No.: 34 - 13  
Concil. Conf.: 2/11/20 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 3, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 2/11/20 at 02:00 PM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: September 25, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Daniel G. Rogers  
 Debtor

Case No. 19-10781-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 19

Date Rcvd: Sep 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2019.

db  
 15098090 +Daniel G. Rogers, 4034 Warsaw Avenue, Erie, PA 16504-2546  
 15120477 +Captial One/Furniture Row, Attn Bankrutpcy, PO Box 30285, Salt Lake City, UT 84130-0285  
 15098092 +Erie Federal Credit Union, 3503 Peach St., Erie, PA 16508-2741  
 ++FOCUS RECEIVABLES MANAGEMENT LLC, 1130 NORTHCHASE PARKWAY STE 150, MARIETTA GA 30067-6429  
 (address filed with court: Focus Receivables, Attn: Bankruptcy,  
 1130 Northchase Parkway Ste 150, Marietta, GA 30067)  
 15098091 +First National Bank, Attn: Bankruptcy, 4140 East State Street, Hermitage, PA 16148-3401  
 15107073 First National Bank of Pennsylvania, c/o David W. Raphael, Esquire, Grenen & Birsic, PC,  
 One Gateway Center, 9th Floor, Pittsburgh, PA 15222  
 15107072 +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401  
 15099161 +KML Law Group P.C., 701 Market Street Suite 5000, Philadelphia PA 19106-1541  
 15098093 +Midland Credit Management, 350 Camino Dr La Reina Suite 100, San Diego, CA 92108-3007  
 15098094 +Pennymac Loan Services, Correspondence Unit/Bankruptcy, Po Box 514387,  
 Los Angeles, CA 90051-4387  
 15098096 +Tendto Credit Union, 1129 State St, Erie, PA 16501-1911  
 15105190 +Tendto Credit Union,, f/k/a Erie Community Credit Union,  
 c/o Carol F. Layton, Payment Solutions M, 1915 East 36th Street, Erie, PA 16510-2663

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr  
 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 26 2019 03:33:43  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 15098088 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Sep 26 2019 03:26:26 AmeriCredit,  
 801 Cherry Street, Fort Worth, TX 76102  
 15127294 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Sep 26 2019 03:26:26  
 Americredit Financial Services, Inc., Db a GM Financial, P.O Box 183853,  
 Arlington, TX 76096  
 15098089 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 26 2019 03:35:30 Capital One,  
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 15119969 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 26 2019 03:35:30  
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
 Charlotte, NC 28272-1083  
 15098095 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 26 2019 03:35:35  
 Portfolio Recovery, Attn: Bankruptcy, 120 Corporate Blvd, Norfolk, VA 23502  
 15098289 +E-mail/PDF: gecsed@recoverycorp.com Sep 26 2019 03:33:32 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr  
 cr\* Pennymac Loan Services, LLC  
 15098097\* +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401  
 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
 (address filed with court: AmeriCredit, 801 Cherry Street, Fort Worth, TX 76102)  
 15098098\* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 15098099\* +Captial One/Furniture Row, Attn Bankrutpcy, PO Box 30285, Salt Lake City, UT 84130-0285  
 15098101\* ++FOCUS RECEIVABLES MANAGEMENT LLC, 1130 NORTHCHASE PARKWAY STE 150, MARIETTA GA 30067-6429  
 (address filed with court: Focus Receivables, Attn: Bankruptcy,  
 1130 Northchase Parkway Ste 150, Marietta, GA 30067)  
 15098100\* +First National Bank, Attn: Bankruptcy, 4140 East State Street, Hermitage, PA 16148-3401  
 15098102\* +Midland Credit Management, 350 Camino Dr La Reina Suite 100, San Diego, CA 92108-3007  
 15098104\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
 (address filed with court: Portfolio Recovery, Attn: Bankruptcy, 120 Corporate Blvd,  
 Norfolk, VA 23502)  
 15098103\* +Pennymac Loan Services, Correspondence Unit/Bankruptcy, Po Box 514387,  
 Los Angeles, CA 90051-4387  
 15098105\* +Tendto Credit Union, 1129 State St, Erie, PA 16501-1911

TOTALS: 1, \* 10, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: vson  
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Total Noticed: 19

Date Rcvd: Sep 25, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 27, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 25, 2019 at the address(es) listed below:

David W. Raphael on behalf of Creditor First National Bank of Pennsylvania  
draphael@grenenbirsic.com, mcpupec@grenenbirsic.com  
James Warmbrodt on behalf of Creditor Pennymac Loan Services, LLC bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Rebeka Seelinger on behalf of Debtor Daniel G. Rogers rebeka@seelingerlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5